

MINUTES FROM COUNCIL MEETING  
CITY OF NORTH CANTON  
MONDAY, APRIL 27, 2015

1. Call to Order

**COUNCIL PRESIDENT PETERS:** I'd like to call to order the Council Meeting Monday, April 27, 2015 at 7:00pm. The opening prayer by Councilman Cerreta.

2. Opening Prayer – Councilman Cerreta.

3. Pledge of Allegiance

4. Roll Call

**COUNCIL PRESIDENT PETERS:** Clerk, please call the roll?

Roll call found the following council members in attendance: Cerreta, Foltz, Fonte, Kiesling, Peters and Werren. Thus having 6 in attendance.

**COUNCIL PRESIDENT PETERS:** Thank you may I have a motion and a second to excuse Member Griffith until he gets here?

**COUNCILMAN FOLTZ:** So moved.

**COUNCILMAN CERRETA:** Second.

Roll call vote of 6 yes to excuse Councilman Griffith.

5. Consideration

**COUNCIL PRESIDENT PETERS:** Thank you very much. May I have a motion and a second to approve as presented:

Council Meeting Minutes: April 13, 2015  
Mayor's Court Receipts – March 2015

**COUNCILMAN FOLTZ:** Motion to approve as presented.

**COUNCILMAN CERRETA:** Second.

Roll call vote of 6 yes to approve the above reports.

Councilman Griffith joined the council meeting at 7:14pm.

**COUNCIL PRESIDENT PETERS:** Alright, thank you very much. And first up is a presentation by Ms. Krissy Hostetler for the Price Park Parking Lot Project. Welcome.

6. Presentation by Krissy Hostetler for the Price Park Parking Lot Project.

**KRISSY HOSTETLER:** So yes, I'm Krissy Hostetler I'm the special project coordinator supporting the Department of Engineering for Jim Benekos and also working under Eric Bowles the Economic Development Department. This evening I wanted to present our Price Park Service Water Improvement Project. This is project that's being done in partnership with Ohio Environmental Protection Agency. Basically meaning we've got a great grant from them and so part of the terms of this grant is a public outreach component and so this is helping to check that box. We have other outreach ideas and events planned in the future but this is just one of many. So I'll just be going over the actual project overview and some of the features of this project which includes permeable pavers and bio-retention cells and just explaining what those mean, some the project timeline and also like I said the outreach and education components for this project. So Price Park is certainly one of our most popular parks and not just in Stark County but definitely in North Canton. And the east parking lot is in desperate need of repair. This isn't showing up so well but the parking lot is pretty torn up and there's just it's just pitted throughout. Obviously this park has notorious relationship with Zimmer Ditch. And so you know there's a lot of drainage concerns regarding the park and especially the parking lot. So knowing that the parking lot needs to be repaired we wanted to make sure the drainage was taken into account so that we don't contribute to further runoff and flooding. For those that might be not be aware there's a term impermeable pavements and it's literally what it says. It's pavement that's not permeable so when it rains all that water has to go somewhere and typically it just runs off to the sides. So you know where all the ducks are and the gazebo it gets really muddy and swampy there. A lot of the runoff also heads right towards the playground area. Parking lot themselves are really dirty there's a lot of oil and grease and just metals and things like this that come off of vehicles. And so when that water runs off its leaching into the ground where we have ducks and wildlife and obviously children and parents and families playing. So the City wanted to approach this in a more innovative and sophisticated way. Especially given there's no drainage particularly in that area. So again it's an opportunity for the City to demonstrate this innovated approach with the use of the permeable

pavers and also bio-retention cells which I'll cover in future slides. And then again I just want to note that the City was awarded \$115,000 grant from the Environmental Protection Agency for this project and the total project budget is coming in around \$185,000. So almost 65% of the project is being covered through a grant. So permeable pavers its sounds really fancy but really they're, they're just interlocking concrete pavers. They are not the same as the brick pavers that we're seeing around this city hall and what's crossing the street here. So I just wanted to be sure that we're clear on that. But they are interlocking concrete pavers and it's not so much the pavers themselves that are permeable but it's the joints in between the pavers. And those joints are filled with really small aggregate what looks to us to appear as sand that those joints that sand has a lot of void spaces in it and those voids allow water to literally drain through and be captured and sort of held so that it can drain and infiltrates lower into the sub the base layers. So this is you know just seems pretty simple but this is the technology behind the sort of storm water approach these days with new pavements and driveways and parking lots. So again the water enters the joints and flows through the base and sub-base the idea is that it helps reduce that immediate runoff from what would otherwise be impermeable pavement. It would help trap and suspend a lot of these solids especially a lot of these metals that you know the cars would bring. It helps to filters some of the pollutants out of the water. The idea for this parking lot in that lower picture you can sort of see a reddish border around that parking lot that's where the permeable pavers are being planned to go. So those would still continue as parking spaces the actual inner portion of the parking lot will continue to be asphalt but it will be pitched in a way so that the runoff would flow into the permeable pavers which would eventually help you know like I said trap and filter some of that runoff water. As far as operation and maintenance over the summer we'll you know notice it's going to a mechanical installation, so it should be traffic ready as soon as it's installed. As far as cleaning goes the joints will need to be cleaned ideally bi annually but this is something that if we're paying attention early on we can establish a good cleaning schedule just depends on you know what the vehicles are bringing and how dirty I guess these joints get. They can get clogged I guess is the term we'd use but the way to clean them is like a vacuum street cleaning machine not unlike what the city already owns would be fine. And again just early monitoring will help to establish a regular schedule for making sure that these are clean so that they will continue to do their job to you know allow the water to infiltrate at a slower rate. Of course, we live in Ohio so the next question is also you know snow and ice and what does that mean and do we have to special snowplows for removing snow in these areas. And the answer would be no. In fact what a lot of other cities have bragged as far as you know these pavers go is that the water in the base layers don't freeze and heave. So we shouldn't assuming that they're all installed properly they shouldn't heave we shouldn't see any upheaval or you know distortion of the pavers the snow should actually melt faster in these spaces. And when you think about that because the snow would melt faster and because they are permeable we shouldn't have standing puddles of water that would then re-freeze and cause black ice and so on and so forth. So in that sense these can be a real boon for snowier areas. There is no need for a special snowplow or special blades. And then again this bottom picture it's hard to see but if in fact there were any individual pavers that needed that were damaged to replace an individual paver is far more cost effective than it would be you know to cut out a section of asphalt and re-patch that and then that just ends up being an issue over time. So in this sense you know this can actually be a plus as well as far as replacing spot checks if we needed to. Bio-retention cells I should have pointed out but the idea between the bio-retention cells these would be installed at the southern end of the parking lot. So between the parking lot and the actual playground facility. Bio-retention cell another name they call them are rain guard-ins. I think to an average Joe they're just going to look like a landscaping feature. But they are designed with a specific intent; they're typically depressed landscaping features to capture to again capture and store and treat any storm water runoffs. So whatever these pavers might not be able to collect and capture they would then flow into these Bio-Retention Cells. Bio-Retention Cells starts introducing all sorts of science and chemistry and you know micro-organisms and micro real processes to eat up a lot of like the petroleum and again the oils and the grease and these kinds of materials that would be coming from storm water runoffs. So it's a whole you know relationship between you know the organisms and the soil and the mulch and how it interacts with all this extra runoff to help treat that water. But the idea's again the same as that the cell because it's a depressed landscaping feature it would actually allow the water to pond if needed but it would infiltrate slower through the soil or just through you know evapotranspiration. So just over time as the water evaporates and back into the air. Again removing pollutants from the storm water from the parking lot runoff water. In our case we intend to install an underdrain so in the very top picture there's almost a small it would look like a pipe it's almost kind of in the middle of this you can see the trees and the bushes and there's this like sandy area. So in our case we intend to install this underdrain and again the idea is because there is currently again no drainage in that area as the water infiltrates through whatever remaining excess water would be captured in that underdrain and then directed to the nearest storm water line. By that point it should be minimal and it would be and it alleviate this immediate pressure on the storm water system that currently exists. And like I said these are intended to be installed at the southern end of the parking lot. So operation and maintenance again so again from our perspective its much like any other landscaping feature plants should be inspected to make sure they're free of disease and deterioration, mulch is important specifically to rain gardens where these Bio-Retention Cells so they would be recommended certainly you know just as erosion takes place and just to continue to beautify the site every few years we may require an entire mulch replacement. The soil would need to be tested and treated for acidity from the runoff. So this is where we start to depart from any typical landscaping features. Since these are specifically designed to deal with water coming from a parking lot that water is going to have higher levels of metals and acidities. So these kinds of tests is where were different than just a typical landscaping feature. And these tests should be conducted bi-annually and they can be remedied with the appropriate alkaline product to balance the PH of these cells so that they can continue to absorb all the extra stuff coming off of the parking lot. Construction costs would be greater than landscaping for a new development however you know it's important to keep in mind that the in some places they've discovered that by installing these rain gardens or Bio-Retention Cells they've actually been able to reduce not necessarily eliminate but reduce the need for grander storm water systems down the line. So they might of originally thought they needed a I don't know you know a 270 foot line at like 6 feet you know diameter but they were able to reduce that need to a far less diameter because of these Bio-Retention Cells. So there is an argument that these, these do prove to have a cost effective pay off in the end just because we can highly you know reduce those greater costs in the future. And then again so besides the testing for soil acidity though the O&M costs should be comparable to any typical

landscaping. So this is hard to see on the screen up there but as far as the project's timeline so in April 6<sup>th</sup> the Board of Control approved the funding for this project. As of last week and I'm sorry as of this week you know today is our presentation to council and we'll be having a pre-construction meeting with the contractor this Wednesday regarding this project. We anticipate construction to actually begin in early May and once construction starts we also expect construction to last about 45 days. So within that 45 days we have plans for outreach and education as I note here we've the Mayor's fishing rodeo happening probably in early June and so we understand that this is this could prove to be a conflict but I'd like to look at this as an opportunity that where we could you know potentially distribute fact sheets for example and talk to the public about the improvements we're making at Price Park. So you know certainly we'll have a plan for parking you know for the families and things like this when that time comes. But I just want to make sure everyone is aware of that before we start before we go any further. And then again we expect to construction to complete in early July. And so again as far as outreach and education I really think the Mayor's rodeo will be a great opportunity for publicity to the right here's an example of fact sheet that has been drafted just as an idea of what could be you know the types of you know papers that could be passed out and just to help inform and educate our residents in terms of you know what kind of improvements the city is making. We're also trying to partner with Hoover High School although we realize that end of the school year is just around the corner. So this might have some challenges but at a minimum we can introduce the project start and perhaps have a like a fall you know tour at the completion of it. But we are looking to partner with their engineering project lead the way program. We also intend to have a you know sort of a host live updates on the City's website if possible. And then there will be a permanent educational sign posted and again that's actually part of the terms of the grant. So even after the construction is, is completed there will be a sign that will remain to just inform citizens and the public and any patrons of the park you know that this parking lot is more than just a parking lot and its serving a bigger purpose. The next couple of slides which they're not going to show up very well but there were just photos that were taken there's a big rain taken just early April and so I just wanted to go out and capture some photos of what the parking lot looks like you know when it does rain and what the surrounding area looks like. Unfortunately we can't see it very well here but I've got a paper copy here if anybody would like to see. So that concludes my presentation if there's any questions or comments at this point.

**COUNCILMAN CERRETA:** What color is it?

**KRISSY HOSTETLER:** What color is it?

**COUNCILMAN CERRETA:** Yeah.

**KRISSY HOSTETLER:** The pavers?

**COUNCILMAN CERRETA:** Yes.

**KRISSY HOSTETLER:** That we haven't settled on it I was told I might have first pick on those colors but we haven't picked them we haven't picked an official color if you have preferences then I'm sure we'll be happy to hear...

**COUNCILMAN CERRETA:** It's not purple and yellow, right?

**KRISSY HOSTETLER:** Purple and yellow?

**COUNCILMAN CERRETA:** What, also you know we know from just our own streets when you have bricks you get a little weeds and dirt in there. What's the story about that? Talk to us a little I mean that's something we're going to cause us more work and we already know that by looking at our streets.

**KRISSY HOSTETLER:** Right and that's why I wanted to make it clear this is different than what than the pavers that we see here and the whole installation process for them is different and takes all that into account. Given that it's already an asphalt parking lot currently we're just we would be removing that perimeter section of the asphalt and putting the pavers in on top of that. So depending on how the sub-layers below that look we would ensure that you know minimize any weeds. I don't anticipate that to be an issue. But again I just want to make it very clear that these are definitely different than these brick pavers that we see.

**COUNCILMAN CERRETA:** But cracks, dirt and sun equals weeds. Yeah, that's what I'm wondering if there's no different to these. We need to spray and when we spray does it hurt the fanese of theme or anything like that?

**KRISSY HOSTETLER:** No, they should my understanding is they're...I have to admit that they're I didn't come up across a lot of talk regarding weeds in between the cracks. And I can only guess its because its really uncommon because of the way they're installed and the care they take care in the sub-basis. I know west I think its West Chester Township just did a project very similar to this and they seem to have had really positive results. The Cleveland Clinic is doing over 15 acres of their parking lot in this with these permeable pavers. So I they've been around for several years I think they've got a pretty good reputation but we'll make sure we bring all these up at the pre-con meeting.

**COUNCILMAN CERRETA:** Yeah, they've got a maintenance program a little bit bigger than ours over there.

**COUNCILMAN FONTE:** Could I get a copy of your paper presentation?

**KRISSY HOSTETLER:** Sure, sure.

**COUNCILMAN CERRETA:** Is there could we put like a large poster there too of what we're doing there to show this? Because people are going to come up and say I know you want to put little flyers but could you put a little poster that's kind of you know people can come up and look at it and say "oh, that's kind of cool".

**KRISSY HOSTETLER:** Yes, and like I said a permanent sign is part of the project terms.

**COUNCILMAN CERRETA:** Thank you very much.

**COUNCIL PRESIDENT PETERS:** Mayor?

**MAYOR HELD:** Yes, one question. Can you go back to that slide I saw the educational brochure which was really nice. Who put that...

**COUNCILMAN CERRETA:** Well, that's what I meant by the sign that gives information not just "stay out cause we're putting in bricks."

**MAYOR HELD:** Right, right, maybe that's right I'm sorry if you can go back. Where did we get that?

**KRISSY HOSTETLER:** I made that.

**MAYOR HELD:** That's nice. Maybe that could be used as something along those lines like a sign. Yeah, right is that what you're talking about?

**COUNCILMAN CERRETA:** Are you talking about putting that up? That's what I meant not just a sign "stay out cause we're putting bricks up".

**KRISSY HOSTETLER:** I mean there is a draft sign that is not as nearly detailed as this. The intent behind this is you know it would be something for people to take home and read but I mean if you have more input or you'd like to see something permanent that's more along these lines I'm sure we could...

**COUNCILMAN CERRETA:** Well at least while construction is going on I don't mean permanent once its people can see...

**KRISSY HOSTETLER:** And again part of the terms of the grant is even as construction is going on the contractors already you know preparing banners that explains you know we're doing this in line with you know the Ohio EPA, it's a Surface Water Improvement Project. So...

**COUNCILMAN FOLTZ:** I think we can purchase a keyos for a few hundred dollars to put this in right off the parking lot. Then its educational for them. I think its worth the money we've got a lot of grant dollars to do this \$115,000 I think we owe it to educate the public about what great process this is ecologically. So I think we can we should look into that somebody should a few hundred dollars around to purchase that and laminate it in or see what we can do.

**COUNCIL PRESIDENT PETERS:** If there's a chance you could leave that with Mary Beth a colored copy if anyone on council or in the audience wants to look at it.

**KRISSY HOSTETLER:** Sure.

**COUNCIL PRESIDENT PETERS:** And also I have the project manual here from advertisement of bids. As you can see its pretty thick. I didn't have a copy for everyone so if anyone on council or anyone in the audience wants to look at it it will be in the council office. Thank you, Krissy. Appreciate that. Alright at this time if you wish to address council please step forward state your name, address.

## 7. Recognition of Visitors

**STACY DECHELLIS:** 7896 Chatham Avenue NW, North Canton, Ohio, 44720. I'm here tonight on behalf of the Children's Services Levy that's on the ballot in May. It's Issue 18 so on May 5<sup>th</sup> Stark County Children Services is asking for voters to renew our already the already existing 1.4 mill levy for a period of 5 years. This levy is absolutely necessary for us to continue our work. The key facts about our levy there are no new taxes. Its' a renewal it's not a new levy. The levy provides 40% of the funding for Stark County Children Services and we receive no other local funding. This 1.4 mill renewal levy is estimated at only \$42.75 for each \$100,000 appraised home value. It's less than a cup of a specialty cup of coffee each week. We're asking that you vote yes on Issue 18; it is critical for Stark County Children Services to continue operating. You could make the difference and provide the help, hope and love for every child in Stark County. So we're asking that you vote yes. Again, it is not a new levy it's just a renewal. And that's all I have.

**COUNCIL PRESIDENT PETERS:** Thank you, Stacy. I appreciate it. Anyone wishing to address council please step forward state your name and address.

(Chuck Osborne read into the record the following)

**CHUCK OSBORNE:** 307 Fairview Street SE, North Canton, Ohio. On October 10, 2014, City residents impacted by the unbridled expansion of the Hoover District South Parking Lot presented to North Canton City Council a request for an appeal hearing per Chapter 1177.11 of the City's Zoning Code. Chapter 1177.11 states "Any person who is adversely affected by a decision made by the Planning Commission according to the procedures set forth in the is chapter may appeal such decision to Council within 30 days of the Planning Commission's decision". The appeal was in response to the approval of a "Conditional Use" permit by the City's Planning Commission, on October 8, 2014, allowing expansion of the Hoover District Parking Lot into an area zoned residential (R-2F). Over the last six months, numerous pieces of legislation have been enacted by Council, all detrimental to the citizens they have sworn to represent and in derogation of Council's obligation to give residents an appeal hearing. The first, an emergency Resolution No. 94-2014, passed December 1, 2014, redirected the appeal to the City's Zoning Board of Appeals. The resolution was signed by Mayor Held. This was followed with yet another emergency Resolution No. 1 – 2015 on January 12, 2015, rescinding the previously passed emergency resolution. The resolution was signed by Mayor Held. In the minutes of that January 12, 2015 meeting, the Chairman of the Community and Economic Development Committee, Marcia Kiesling made a motion for passage of the second emergency resolution stating "we have decided to bring it back to us and listen to it ourselves". That statement by Mrs. Kiesling proved to be a misrepresentation. On February 23, 2015, City Council voted on yet another resolution No. 2 – 2015, to deny residents an appeal hearing before City Council. This resolution unlike the first two emergency resolutions, was passed with three readings with a second reading on March 9, 2015, and a third and final reading on March 23, 2015. Mayor Held again signed the legislation. Concurrently on March 9, 2015, City Council introduced two ordinances No. 16 – 2015 and No. 17 – 2015 to strip away entirely the appeal process from the City's Zoning Code. Nothing that has been quite apparent from the time this legislation was introduced is that City Council was in flagrant violation of Chapter 1181 of the North Canton Zoning Code which describes in detail the legislative process that must be followed to amend the City's Zoning Code. Citizens in attendance at council meetings have been aghast at the temerity of this Council to ignore the legislative due process as Ordinance No. 16 – 2015 & No. 17 – 2015, were voted on. A first reading for a vote was on March 9, a second reading on March 23 and a third reading on April 13, 2015. Ordinance No. 17 – 2015 was tabled at Council's last meeting on April 13 but it is back on the agenda tonight for a third and final reading. All actions taken thus far on these two pieces of legislation are meaningless. The rush to pass these two pieces of legislation will have to begin anew to comply with Chapter 1181 of the City's Zoning Code. Apparently, Councilmember Kiesling agrees as Mrs. Kiesling revealed to a citizen after Council's meeting on the 13<sup>th</sup> that she has questioned privately the legislative path taken by Council to amend the City's Zoning Code. Mrs. Kiesling, I and others wholeheartedly agree with you. My only question is why did you not voice your concerns publicly on the floor of Council? In legal parlance, Ordinance No. 16 – 2015 & 17 – 2015 are "void ab initio" illegal from the beginning. Amending any zoning code is a long drawn out process that is clearly defined by the code itself. How did this go so wrong? From a legal perspective this is basic municipal law. North Canton City Council has been utterly blind to the many missteps of Law Director Tim Fox. Amending the City's Zoning Code in violation of well-established law is not a misstep. Leading City Council into the passage of illegal legislation is misfeasance. Whether Law Director Fox pleads ignorance of Chapter 1181 of the City's Zoning Code or whether this is another adversarial action he has undertaken against the citizens of North Canton, it is abundantly clear that Law Director Tim Fox should be asked to step down as the City's Law Director or barring that City Council should remove him from office. The citizens of North Canton can no longer endure repeated missteps and now orchestrated illegal legislation at the hands of a City official who erroneously guides City Council into being a party to his egregious illegal actions. Looks like I still have some more time here.

**COUNCIL PRESIDENT PETERS:** Time's up.

**CHUCK OSBORNE:** Says 27 seconds. That's okay I can come back in two weeks.

**COUNCIL PRESIDENT PETERS:** Thank you for comments Mr. Osborne. If there's anyone else wishing to address council please step forward state your name and address. Seeing none, we'll move onto old business. May I have a motion and a second to remove from the table Ordinance No. 17 – 2015?

**COUNCILMAN CERRETA:** So moved.

**COUNCILMAN FOLTZ:** Second.

Roll call vote of 7 yes to remove Ordinance No. 17 – 2015 from the table.

**COUNCIL PRESIDENT PETERS:** Okay, may I have a motion and a second to read by title only the third reading of Ordinance No. 17 – 2015?

**COUNCILMAN GRIFFITH:** So moved.

**COUNCILWOMAN WERREN:** Second.

Roll call vote of 7 yes to read by title only the third reading of Ordinance No. 17 - 2015.

8. Old Business

An ordinance amending TITLE FIVE – ADMINISTRATIVE, of the Codified Ordinances of the City of North Canton specifically CHAPTER 1177 – CONDITIONAL USE PERMITS AND SIMILAR USES, and to repeal and delete Section 1177.11 APPEAL TO CITY COUNCIL. (Tabled on April 13, 2015)

**COUNCIL PRESIDENT PETERS:** Thank you. Chairwoman Werren.

**COUNCILWOMAN WERREN:** Yeah, after furthering looking into this we found that actually in our North Canton Charter Section 3.07 Part 3 in the charter it addresses this issue and actually refers appeals to the Zoning Board of Appeals.

**COUNCIL PRESIDENT PETERS:** Is there a motion and a second to adopt the third reading?

**COUNCILMAN GRIFFITH:** Well, can I ask a question relevant to the process piece? So the fault position here is going to be that there's already language in here that allows people who have objections to appeal to the Zoning Board of Appeals?

**COUNCILWOMAN WERREN:** Right, is why we need to remove that then it can go to council because the charter supersedes the ordinance.

**COUNCILMAN GRIFFITH:** What about your concern relative to the process piece?

**COUNCILWOMAN KIESLING:** Well ever since I've been here anytime we made a change to the zoning code it had to you know either originate in planning or originate here. Regardless it had to go to planning, planning had to set a public hearing, they had to discuss it and then it come back to us. We had to set a public hearing, we had to discuss it and we had to give it three readings and 30 days. You know in my mind originally it was this is a zoning code issue but and I'm still I'm down here on the zoning code issue because the charter makes it very clear and I guess none of us really read that part of the charter up until this past week that said you know "all appeals go the Zoning Board of Appeals". Which supersedes the zoning vote and the ordinance that was passed into our codified ordinances; what year was that? However many years ago that added this appeal to the city council. I mean I was on, Doug was on I don't know if Jeff was on, Chuck was on it was when Kathy Mangle was chairman of the committee and somehow it got sort of whether it was snuck in there but or it just plopped in there somehow. It all of a sudden this appeal to council appeared and it was illegal because our charter says you can't appeal to council. You can only appeal to the Zoning Board of Appeals. So not really realizing that it was even there unbeknownst to us when this all came forward. And like I said in several meetings that this is the first time this has ever happened there was no precedent for appealing to council that's why I think we were all shocked by it because quite honestly that appeal appeared in the code several years ago without any really body knowing it and you know we look at the charter and its states all appeals go to the Zoning Board of Appeals. Done that's a done deal. So essentially we're not changing the zoning code we're taking out what should never had been put in. So it's not really a change to the code it's clearing up our process which is you go to the Zoning Board of Appeals unless you want to change the charter with a charter amendment. So even if you wanted to appeal to the city to us it's not lawful in the City of North Canton. So we are taking it out of our code because it does not belong there. So essentially it's not a change the charter wrote it many, many, many, years ago and the charter supersedes our ordinances. So that's how I've looked at it over this last week.

**COUNCILMAN GRIFFITH:** So you're comfortable that we wouldn't need to go through the process of bringing it through the Planning Commission and coming through this?

**COUNCILWOMAN KIESLING:** I'm very comfortable because they have their right to appeal to the Zoning Board of Appeals. Which was always their right. So we're not taking away their right. There is a right to go to the Zoning Board of Appeals. We are just getting rid of what doesn't belong in our zoning code which is not a change it's just something that doesn't belong in there. It's not lawful. It's not part of our charter. It should never had been put in there.

**COUNCIL PRESIDENT PETERS:** Agreed.

**CHUCK OSBORNE:** Would you like some further input...

**COUNCIL PRESIDENT PETERS:** No, sir. Alright, are we at a comfortable position? Alright, is there a motion and a second to adopt the third reading? Ordinance No. 17 – 2015?

**COUNCILWOMAN KIESLING:** So moved.

**COUNCILMAN CERRETA:** Second.

Roll call vote of 7 yes to adopt the third reading of Ordinance No. 17 – 2015

ORDINANCE NO. 17 – 2015 WAS PASSED BY A ROLL CALL VOTE OF 7 YES.

**COUNCIL PRESIDENT PETERS:** May I have a motion and a second to read by title only the third reading of Ordinance No. 25 – 2015.

**COUNCILMAN CERRETA:** Second.

10. Ordinance No. 25 – 2015 Personnel and Safety Committee

**COUNCIL PRESIDENT PETERS:** Okay, after Law Director Fox, Dan Griffith have worked on this this week and you know we've come up with a text that addresses everybody's issues and concerns. And you guys have that in front of you and I believe Ms. Baughman you've seen this as well. Okay, so at this time before I ask for a motion and a second to adopt the third reading may I have a motion and a second to amend the legislation to request that this in its entirety replace everything that we had prior to.

**COUNCILWOMAN WERREN:** Second.

ORDINANCE NO. 25 – 2015 WAS AMENDED BY A ROLL CALL VOTE OF 7 YES.

**COUNCILMAN GRIFFITH:** So moved.

**COUNCILWOMAN KIESLING:** Second.

Roll call vote of 7 yes to adopt the third reading of amended Ordinance No. 25 – 2015.

AMENDED ORDINANCE NO. 25 – 2015 WAS PASSED BY A ROLL CALL VOTE OF 7 YES.

**COUNCIL PRESIDENT PETERS:** Thank you. May I have a motion and a second to read by title only the second reading of Ordinance No. 26 – 2015?

**COUNCILWOMAN KIESLING:** So moved.

**COUNCILWOMAN WERREN:** Second.

Roll call vote of 7 yes to read by title only the second reading of Ordinance No. 26 - 2015.

11. Ordinance No. 26 – 2015	Community and Economic Development Committee
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An ordinance terminating a Community Reinvestment Area ("CRA") agreement between the City of North Canton and L.T. Parker & Associates, Inc., DBA APARCO Security Systems ("APARCO").

**COUNCIL PRESIDENT PETERS:** Thank you, Chairwoman Kiesling?

**COUNCILWOMAN KIESLING:** Yes, this is a CRA agreement we had that the TIRC Committee recommended to stop. The agreement they were given an extra year as it was and weren't able to make the payroll. And we're also going to claw-back \$2,875.12 for the year that we gave them to try to get back their numbers. So I motion we adopt to end the agreement.

**COUNCILMAN GRIFFITH:** Second.

Roll call vote of 7 yes to adopt the second reading of Ordinance No. 26 – 2015.

ORDINANCE NO. 26 – 2015 WAS GIVEN SECOND READING.

**COUNCIL PRESIDENT PETERS:** Thank you. May I have a motion and a second to read by title only the second reading of Ordinance No. 27 – 2015?

**COUNCILWOMAN KIESLING:** So moved.

Roll call vote of 7 yes to read by title only the second reading of Ordinance No. 27 - 2015.

An ordinance continuing Community Reinvestment Area ("CRA") agreements between the City of North Canton and LMD Property and Reed Funeral Home.

**COUNCILWOMAN KIESLING:** Yes, this the opposite the TIRC Committee recommended to continue the CRA agreement between these two companies for the next few years. I motion we adopt.

Roll call vote of 7 yes to adopt the second reading of Ordinance No. 27 – 2015.

**COUNCIL PRESIDENT PETERS:** Thank you. May I have a motion and a second to adopt to read by title only the second reading of Ordinance No. 28 – 2015?

Roll call vote of 7 yes to read by title only the second reading of Ordinance No. 28 - 2015.

An ordinance authorizing all actions necessary to effect a governmental electricity aggregation program with opt-out provisions pursuant to R.C. 4928.20, and directing the Stark County Board of Elections to submit a ballot question to the electors, and declaring the same to be an emergency.

**COUNCILWOMAN WERREN:** Okay, we're just moving this process along. On May 4<sup>th</sup> we will have someone here to talk about this issue and it's just looking into whether our constituents would want an electrical aggregate. That's it.

Roll call vote of 7 yes to adopt the second reading of Ordinance No. 28 – 2015.

**COUNCILWOMAN WERREN:** On if you couldn't hear that on May 4<sup>th</sup> there will be someone here to talk about an electrical aggregate. So that will be on May 4<sup>th</sup>.

15. Reports – Council:

**COUNCILMAN FONTE:** Okay, we have State Representative Kirk Schuring has scheduled an informational meeting at the Civic Center April 30<sup>th</sup> coming up here this week at 6:00pm in regards to an update on the Zimber Ditch. So if you want to attend or report it please do. That's all I have.

**COUNCILWOMAN WERREN:** We were a number of us were at a really neat meeting today and I'd to thank Walsh for putting that together on Broadband and looking at it really as a community, as a region, as a county. And I know they've met with you



before David and kind of looking at next steps and what it could mean for our community. It was a great presentation and just kind of looking of forwarding to seeing what else can happen. So...

**COUNCIL PRESIDENT PETERS:** Member Kiesling?

**COUNCILWOMAN KIESLING:** I have no report other than to say congratulations to Robert for running the Boston Marathon. Awesome.

**COUNCIL PRESIDENT PETERS:** Member Griffith?

**COUNCILMAN GRIFFITH:** Briefly I just wanted to say thank you to Tim and thank you to Miriam for both their input and everybody else. There was a number of other folks who had input on the public records piece I think it's a great example of us through the deliberate process getting a really good outcome. I hope we can leave it in place for a very, very long time. The auditors won't mess with it and we'll be in good shape. So I hope it works and I just want to say thank you to everybody.

**COUNCIL PRESIDENT PETERS:** Member Cerreta?

**COUNCILMAN CERRETA:** Just a quick note about the State of the City, Dave did a nice job Mayor Dave and along with the Hartenstein. It was really well done and it was really well attended. I thought the Bureau of Workman's Comp did a great job in taking us through it just shows a good future of what we can be. And everything looked real nice and if you noticed the nice trees are blooming over there on East Maple Street. When that becomes large and canopy that will be beautiful someday. Also they showed those architectural views of the front west lawn which is very exciting how they're going to maintain the theme of East Maple all the way around. And maybe a fountain. So we're looking forward to that. It looks like the front is coming along too they've pretty much they're working on the front facing there and that's kind of making but we've got some decisions to make over there. And one of them will be the guard shack down the road that's on the corner there and that will be kind of a conversational thing that we're going to be bringing up here in the near future. That's all have. So nice job Dave with that.

**COUNCIL PRESIDENT PETERS:** Thank you. Member Foltz?

**COUNCILMAN FOLTZ:** Just echo I see all the positive things going on in North Canton. And I echo Member Cerreta's statements. That's it.

**COUNCIL PRESIDENT PETERS:** Okay, and just too piggyback Member Werren the gentleman's name is Mark Burns, he currently does our electric aggregation yeah gas, gas and he will be presenting May 4<sup>th</sup> in regards to electric aggregation. And Mary Beth if you could I noticed Mr. Saylor left mid meeting if you could contact him and let him that Mr. Burns will be here on the 4<sup>th</sup>. If he has any questions maybe you could possibly give him his number prior to if he has any questions to ask him in advanced to the meeting. And also lastly Junior Achievement East Central Ohio they're having their 2015 business challenge at R.G. Drage. Wednesday, April 29<sup>th</sup> there will be a team of Hoover students there. So if you have time you're more than welcome to attend. I believe Superintendent Hartenstein will be there as well. So good stuff.

16. Reports:

**COUNCIL PRESIDENT PETERS:** Director of Law?

**LAW DIRECTOR FOX:** Yes, sir. And also back to Councilman Griffith thank you for working with me on the language for the public records policy for the city it's been a long time coming. But it matches the Attorney General's model policy with a few key provisions from the State Auditor's Office. And we believe that's going to have us neatly in compliance which is a very important thing as Mr. Chuck Osborne had stated that the law director he believes has led the city down a path that there's so many things that were done incorrectly. Remarkably he's decided to leave out a couple provisions that each time that was brought before an independent party such as the Stark County Board of Common Pleas, the 5<sup>th</sup> District Court of Appeals, the Ohio Supreme Court, and the Stark County Board of Elections in each one of those cases they found solely for the City. That the City operated properly and found no basis for Mr. Osborne's allegations. So he has appealed the issue with the parking lot for the Hoover complex. And so once again we'll have the opportunity to demonstrate to the Common Pleas Court how the City operates it's zoning policies, its ordinances and so forth. And we welcome any recommendations that the court might have if it finds that there is something that was done improperly the bonus for that there's no damages for the City. The Common Pleas Court will simply state "this is the way it needs to be done" it can be moved back to the Planning Commission to put that together properly or it might find that it was done properly or that there was no basis for the appeal. So that's something very exciting to come before the City and I'm happy to be a part of that. Nothing else.

**COUNCIL PRESIDENT PETERS:** Director of Finance?

**DIRECTOR ALGER:** I just want to put it on the record that I'd like to thank my income tax ladies they did a fantastic job and residents were extremely patient and I don't know with cellphones now people are more patient standing there and they're considerate. But we were up about \$200,000. Just something else in good news. That's it.

**COUNCIL PRESIDENT PETERS:** Excellent. Mr. Mayor?

**MAYOR HELD:** Yes, as Dominic Fonte had mentioned we're going to have the Zimber Ditch meeting this Thursday to get an update. Which this project is going very well. The first five homes have been given an offer to be remediated or removed. And those are the homes that are in the low level where the flooding persists for the past 30 years. I believe. And now we're looking into the second set of homes the second five that are on the list. So we're going to be rolling into that process. And then Monday or this Thursday correct? That will be the time we'll get at 6:00pm at the Civic Center. So anyone that's interested in the Zimber Ditch and the progress that we're making there which really is it really is very impressive the fact that we've been able to remove those homes from that area. And we're appreciative that Kirk Schuring is going to come down and address us. We're also going to have the Ohio EMA the Muskingum County Water Shed District and the Stark County Parks and I believe the county as well will be here at that meeting. Which reminds me Kirk Schuring when I first started as administrator he told me that the most important thing that you could do in government is follow the process. And if you're not sure of the process then you should if there's not a process in place you should establish one. And if you need clarification on it then you check with your legal counsel or in this case our law director. And I think that Tim Fox has done a very impressive job handling multiple lawsuits that the City has faced and he's handled them successfully. And that's required changes as far as how we operate administratively, how we operate as far as council and I think the important thing is that you follow the process and you follow the law. And sometimes it's un... it may not be the most expedient it may not be the most convenient, it may require additional time or effort or deliberation. But I'm appreciative for the time and effort that you put in to make sure that this council and the administration is following the law and following the process. And obviously you've done it successfully because how many lawsuits have we had in the past couple of years 3, 4?

**LAW DIRECTOR FOX:** Yeah.

**MAYOR HELD:** So I appreciate the work you're doing.

**LAW DIRECTOR FOX:** Thank you.

**MAYOR HELD:** That's all I have.

**COUNCIL PRESIDENT PETERS:** Well said. Mr. Engineer?

**ENGINEER BENEKOS:** A few updates on some projects. On South Main Street the waterline if you noticed south of Easthill is going along well. I know that because I haven't gotten any complaints. And that should be done in the next couple weeks. The waterline on Whipple will be starting well it has started this week they've unloaded materials. That waterline is going from West Maple Street up to Portage. The resurfacing 2014 program they've started the concrete work on Chatham they've completed the curb work on the west side I believe and will be moving to the east side. When that's done then they'll resurface the street. We don't have a date on when the asphalt crew will actually be mobilizing for the 2014 program. I don't think they have the crews back from winter break yet. But they're getting geared up and as soon as I find out when they'll be out I'll let you know. And the crews were out diligently patching today and they're planning on it tomorrow and some on Wednesday. So if your street hasn't been gotten yet be patient and hopefully it's on their list. I think they have a very extensive list. So that's all I have.

**COUNCILMAN GRIFFITH:** I did get one complaint this week from somebody who sat at the 10<sup>th</sup> Street/Woodrow Street light on the 10<sup>th</sup> Street side. She said she sat through three rotations without getting through.

**ENGINEER BENEKOS:** Okay.

**COUNCILWOMAN KIESLING:** What time of day?

**COUNCILMAN GRIFFITH:** I think it was in the morning. So that's a good questions. Yeah, I'm pretty sure and I think it was a weekday it wasn't on the weekend.

**ENGINEER BENEKOS:** Okay.

**COUNCILMAN FOLTZ:** Are they finished or are they still working...

**ENGINEER BENEKOS:** They're still working...

**COUNCILMAN FOLTZ:** They still got some bugs to work out, okay. That's good to know that and move that forward.

**COUNCIL PRESIDENT PETERS:** Dom?

**COUNCILMAN FONTE:** The 2015 street work, how quick is going to run back-to-back to the 2014 I mean are we going to streamline it quickly?

**ENGINEER BENEKOS:** Correct, we have legislation coming next week on the committee meeting to increase the funding and hopefully the following week we'll pass that. And we'll have Board of Control following council meeting. If that's approved we'll award it and it's the same contractors we had last year. So we should be able to go fairly quickly on that.

**COUNCILMAN FONTE:** North Star?

**ENGINEER BENEKOS:** Correct.

**COUNCILMAN FONTE:** Okay.

**COUNCIL PRESIDENT PETERS:** Alright, are we done with the engineer? Council Clerk, report?

**COUNCIL CLERK BAILEY:** The only in July I will be advertising for the two civil service exams. One for EMT/Firefighter and the other one for Radio Dispatch. So those will be coming up on July 1<sup>st</sup> and July 2<sup>nd</sup>. That's it.

17. Final Call for New Business:

18. Adjourn:

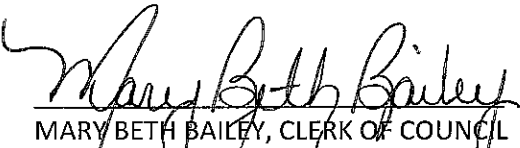
**COUNCIL PRESIDENT PETERS:** Okay, final call to council for new business. Seeing none I'll entertain a motion to adjourn.


**COUNCILMAN FOLTZ:** Motion to adjourn.

**COUNCILWOMAN KIESLING:** Second.

Roll call vote of 7 yes to adjourn.

**COUNCIL PRESIDENT PETERS:** We are adjourned.

  
MARY BETH BAILEY, CLERK OF COUNCIL

  
DANIEL JEFF PETERS, PRESIDENT